

## Attachment 2

### **EXHIBIT B - CONDITIONS OF APPROVAL**

#### **Conditional Use Permit DRC2013-00003 (Private Capital Investments)**

##### **Approved Development**

1. This approval authorizes:
  - a. A Conditional Use Permit for:
    - i. A two-story 96-bed assisted living facility; and
    - ii. A 36-unit senior living apartment complex on two vacant parcels.
  - b. The maximum height of all structures shall not exceed 45 feet.

##### **Conditions required to be completed at the time of application for construction permits**

##### ***Site Development***

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan. The landscaping plan shall not include any turf, and shall include a palette of drought-tolerant plant species.

##### ***Fire Safety***

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated December 10, 2013.

##### ***Services***

4. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
5. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate sewer service to serve the proposal, on the site.

##### ***Access***

6. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with Section 22.54.030 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plans are to include, as applicable:
  - a. Street plan and profile for widening Mary Ave to complete the project side of an A-2 urban street section fronting the property. Widening shall also

## Attachment 2

accommodate a right turn lane at the intersection with Juniper Street. All existing and proposed driveways along Mary Ave shall be constructed or reconstructed in accordance with County Standard B-3 series drawings.

- b. Street plan and profile for widening Juniper Street to complete the project side of an A-2 urban street section fronting the property. All existing and proposed driveways along Juniper Street shall be constructed or reconstructed in accordance with County Standard B-3 series drawings.
  - c. Pedestrian easements as necessary to contain all sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.
  - d. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - e. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
7. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
8. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

### ***Drainage***

9. **At the time of application for construction permits**, the applicant shall submit complete drainage calculations for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.
10. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

### ***Stormwater Pollution Prevention***

11. **At the time of application for construction permits**, the applicant shall demonstrate the project has incorporated at least two County approved LID

## Attachment 2

structural practices into the project. Refer to the brochure Interim Low Impact Development Guidelines for further information and references for LID design.

12. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to LUO Section 22.10.155 for Stormwater Management. Applicable projects shall submit a Stormwater Quality Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.

### ***Aesthetics***

13. **VS-1 Aesthetics – Exterior Colors. At the time of application for construction permit**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment.
14. **VS-3 Aesthetics – Exterior Light Plan. At the time of application for construction permits**, the Applicant shall submit an Exterior Lighting Plan for County review and approval. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned “down and into” the development, and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties and Highway 101. All lighting poles, fixtures, and hoods shall be dark colored. When nighttime lighting is required for construction, temporary lighting shall be hooded to the extent consistent with safety. Lighting fixtures shall be directed away from the highway to avoid glare and, when near a residence, shall be pointed away from the residence. This requirement shall be specified in contracts with contractors and subcontractors that may require nighttime construction lighting. The Lighting Plan shall focus on keeping the lumen/light intensity level to the lowest possible while still meeting minimum safety and security requirements. These measures shall be shown on applicable construction drawings prior to issuance of construction permits and permanent lighting shall be installed prior to final inspection.

### ***Noise***

15. **NS-1 Noise - At the time of application for construction permit**, the applicant shall show the following on the project plans/ drawings:
  - a. First floor rooms facing Highway 101 shall be constructed with window assemblies of sound rated STC 26 or higher, to achieve the required 22 dBA if interior noise reduction;

## Attachment 2

- b. Second floor rooms facing Highway 101 shall be constructed with window assemblies of sound rated STC 32 or higher, to achieve the required 25 dBA of interior noise reduction;

### **Conditions to be completed prior to issuance of a construction permit**

#### ***Fees***

16. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
17. **Within 30-days of permit approval or in accordance with the County Road Improvement Fee Ordinance 13.01**, the applicant shall pay South County Area 1 Road Impact Fees to the Department of Public Works in accordance with the latest adopted road fee schedule. Future development on the site shall be subject to the payment of road fees prior to building permit issuance.

#### ***Offsite Road Improvements***

18. **Prior to issuance of construction permits**, the applicant shall offer for dedication to the public right-of-way easements by separate document for Mary Avenue and Juniper Street road widening purposes a sufficient width as necessary to contain all elements of the roadway prism including slopes, sidewalks, driveway aprons, curb returns and other improvements. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.
19. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public drainage easement(s) as necessary to contain both existing and proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

#### ***Aesthetics***

20. **VS-2 Aesthetics – Landscape Plan. Prior to construction permit issuance**, the applicant shall submit landscape/irrigation/landscape maintenance plan(s) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The Plan shall be prepared as provided in Section 22.16.040 of the San Luis Obispo County Land Use Ordinance and shall provide vegetation that will adequately blend the new development, including driveways and parking areas into the surrounding environment, and will screen glare from the buildings onto adjacent properties.

The landscape plan shall utilize only plant material consistent with Section 22.16.040 C. 4. of the San Luis Obispo County Land use Ordinance, and shall include drought-tolerant plant species. No turf shall be allowed. The applicant shall keep the landscaping in good working order for the life of the project.

## Attachment 2

### **Air Quality**

21. **AQ-1** Prior to issuance of grading and/or construction permits, the following notes shall be shown on grading and building plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance):

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

22. **AQ-2** "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the County to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before

## Attachment 2

grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>). Prior to final inspection or occupancy, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

23. **AQ-3** As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).
24. **AQ-4 Prior to approval of construction permits**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.
25. **AQ-5 Prior to issuance of permits and commencement of construction/ground disturbing activities**, the Applicant shall provide verification on the importation of materials exceeding 2,000 cubic yard of soil from a non-adjacent site for the construction of the project and shall comply with conditions set forth in the Land Use Ordinance Section 22.52.160(c)(2) below:
- a. Limit the distance between the project site and the source/ destination site;
  - b. Require that export/ import be phased over a specified amount of time;
  - c. Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
  - d. Limit the length of the construction work-day period, if necessary; and
  - e. Apply trucking equipment emission reduction measures as approved by the Air Pollution Control District.

All of the above measures shall be shown on all applicable plans **prior to issuance of construction permit(s)**. All vehicle operators and on-site supervisors shall be informed of these measures prior to any work commencing on site.

## Attachment 2

**Prior to final inspection**, the Applicant shall obtain a letter from APCD that provides verification that the approved mitigation measures for the impact from importation of materials were followed during construction.

### ***Tree Protection***

26. **TR-1 Nesting Birds. Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a County-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Planning Department, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.
27. **TR-2 Tree Removal/Protection.** The applicant shall limit tree removal to the on-site pine trees and no more than 2 coast live oak trees having a five inch diameter or larger at four feet from the ground. **Prior to construction permit issuance**, construction plans shall clearly delineate all oak trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. **Prior to any ground disturbing activities**, adequate protection measures (e.g., sturdy fencing) per the approved construction plans, shall be installed to protect those trees identified to remain unharmed as well as to minimize impacts for those trees identified as being impacted. Protection measures shall remain in good working order during construction.

**At the time of application for construction permits**, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed. No more than two (2) oak trees having a five inch diameter or larger at four feet from the ground shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

## Attachment 2

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

### **Cultural Resources**

28. **CR-1 Cultural Resources - Monitoring Plan.** Prior to issuance of construction permits, the Applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:

- a. List of personnel involved in the monitoring activities;
- b. Inclusion of involvement of the Native American community, as appropriate;
- c. Description of how the monitoring shall occur;
- d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
- e. Description of what resources are expected to be encountered;
- f. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered "significant" archaeological resources?);
- g. Description of procedures for halting work on the site and notification procedures; and
- h. Description of monitoring reporting procedures.

Crew Education. The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the Applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources.

The archaeologist shall verify implementation of the Plan during construction. A final report on compliance shall be submitted by the archaeologist prior to final inspection/occupancy.



## Attachment 2

29. **CR-2 Cultural Resource – Construction Monitoring.** During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American monitor to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

### **Conditions to be completed prior to occupancy or final building inspection/establishment of the use**

30. **Prior to occupancy or final inspection/establishment of use**, whichever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
31. **Prior to occupancy/ establishment of use of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
32. **Prior to occupancy or final inspection/establishment of use**, the Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure or final inspection/establishment of use.
33. **Prior to occupancy or final inspection, which ever occurs first**, a reciprocal parking agreement in a form acceptable to County Counsel shall be recorded that will allow the sharing of parking spaces between the two proposed parcels.

### ***Cultural Resources***

34. **CR-3 Cultural Resource Monitoring – Completion Report.** Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

### ***Noise***

35. **NS-2 Prior to final inspection of the structures**, the applicant will provide certification from an engineer qualified in noise analysis that a noise level of 45 dbA or less can be maintained inside the residence with the windows and doors closed and 60 dbA can be achieved for outdoor activity areas, when buildout of the area is considered. In the event the acceptable noise level is not reached,

## Attachment 2

additional measures will be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved.

36. **NS-2 Prior to final inspection of the structures**, an engineer qualified in noise analysis will need to analyze the area of the proposed use as having satisfactorily installed all of the necessary acoustical measures to provide interior noise levels, at area buildout, which meet the 45 dB Ldn threshold.

### **Access**

37. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

### **On-going conditions of approval (valid for the life of the project)**

38. All conditions of this approval run with the land and shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance. The applicant shall also provide an annual report to the Department of Planning and Building identifying the number of annual events at the site and the number of attendees.

### **Access**

39. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
40. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

### **Drainage**

41. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

## Attachment 2

### ***Recycling***

42. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).